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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/436,984	11/09/1999	SHUNPEI YAMAZAKI	0756-2063	7375

7590 01/30/2004

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EXAMINER

COLEMAN, WILLIAM D

ART UNIT PAPER NUMBER

2823

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/436,984

Applicant(s)

YAMAZAKI ET AL.

Examiner

W. David Coleman

Art Unit

2823



--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 July 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 1-14 and 31-59

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☒ Other: PTO-892



W. David Coleman  
Primary Examiner  
Art Unit: 2823

## **DETAILED ACTION**

### ***Status of the Amendment After Final Rejection***

1. A new PTO-892 is being submitted to correct the Patent no. and inventor.

### ***Response to Arguments***

2. Applicant's arguments filed July 14, 2003 have been fully considered but they are not persuasive.

3. Applicants contend that the presently claimed invention, of independent claims 32, 38, 44 and 50, requires that the semiconductor device have a pair of (conductive) side walls which "only overlap the pair of first impurity regions" as disclosed in the instant specification.

Applicants further contend that Hodate and Shanks reference reveals that neither reference teaches or suggest this feature.

4. In response to Applicants argument that the presently claimed invention, of independent claims 32, 38, 44 and 50, requires that the semiconductor device have a pair of (conductive) side walls which "only overlap the pair of first impurity regions. The Examiner interprets the Hodate invention as having a conductive gate 4 (as seen in FIG. 3A) in which the pair of conductive side walls are part of the gate structure which overlap the pair of impurity regions 11.

### ***Status of the pending claims After Final Rejection***

5. Claims 32-36, 38-41, 44-48 and 50-55 are rejected under 35 U.S.C. 102(b), as being anticipated by the teachings of Hodate et al., U.S. Patent 5,518,940.
6. Claims 37, 43, 49 and 55 are rejected under 35 U.S.C. 103(a), as being unpatentable over Hodate et al., in view of Shanks et al. 5,821,688.

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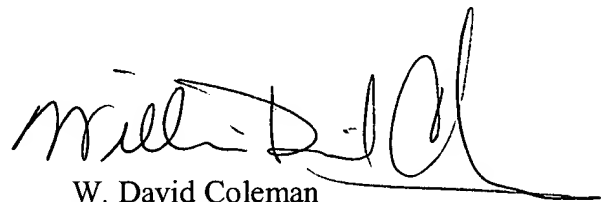
7. Claims 32, 35-38, 41-44, 47-50 and 53-59, under the judicially created doctrine of obviousness-type double patenting, as being obviousness-type double patenting, as being obvious in view of claims 1, 7,8,9, 15, 17, 19, 23, 25, 27, 37, 42, 44, 46, 57, 64 and 66 of U.S. Patent No. 6,274,887.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to W. David Coleman whose telephone number is 703-305-0004. The examiner can normally be reached on 9:00 AM-5:00 PM.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri can be reached on 703-306-2794. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7722.

10. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

A handwritten signature in black ink, appearing to read 'W. David Coleman', with a long horizontal flourish extending to the right.

W. David Coleman  
Primary Examiner  
Art Unit 2823

WDC